

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 8226.]

The Committee on Pensions, to whom was referred the bill (H. R. 8226) granting a pension to James H. Fleming, Company E, One hundred and fifth Ohio Volunteer Infantry, have examined the same, and report:

Upon an examination of the evidence in this case, the committee find the facts clearly set forth in the appended House report, and adopt it as their own.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8226) granting a pension to James H. Fleming, submit the following report:

The soldier enlisted August 11, 1862, and discharged June 3, 1865. Basis of claim, injury to knee in battle, which finally resulted in amputation of the leg. The claim was rejected in the Pension Department on the ground of want of connection of injury with any service. The committee have carefully examined the record in this case, and find the following facts established: That the soldier was a sound and healthy man when he entered the service, and that he was a good soldier, as proven by his officers, and they also testify to his high character for truth and veracity. The soldier swears that in battle at Jonesborough, Ga., he was thrown and injured his knee, and the same gradually grew worse until he was compelled to submit to amputation, in 1886.

Several comrades testify that the soldier was sound and well when he went into the battle and that he complained of injury when he came out and that he was lame ever since and continued to complain of the injury in the knee, and that the limb was finally amputated. There is no injury shown to this soldier except the one mentioned by the soldier and the Department of Pensions evidently thought that as the leg was not amputated until twenty years after the injury it might be traced to some other cause than the injury in battle, but the committee fail to find any such testimony in the record and in the absence of any testimony showing some other injury the committee think they are warranted in believing the soldier's sworn statement, and his witnesses and that his injury is due to his army service, and we therefore recommend that said bill do pass.

